

**THE CHARTER TOWNSHIP OF CHESTERFIELD
ZONING BOARD OF APPEALS**

October 22, 2014

On October 22, 2014, a regular meeting of the Chesterfield Township Zoning Board of Appeals was held at the Township Hall located at 47275 Sugarbush, Chesterfield, MI 48047.

1. **CALL TO ORDER:** Chairman Stepnak called the meeting to order at 7:00 P.M.

2. **ROLL CALL:** Present: Marvin Stepnak, Chairman
James Klonowski, Vice-Chairman
Hank Anderson, Twp. Board Liaison
Thomas Yaschen, Secretary
Carl Leonard, Planning Comm. Liaison
Patrick Militello
Wendy Jones

Gary DeMaster attended the meeting as the representative from the Building Department.

3. **PLEDGE OF ALLEGIANCE:**

Chairman Stepnak explained the procedures to the audience. He stated that there was a question as to the order of the agenda; therefore due to an issue the board would like to move Petition #2014-25 to the first item.

Motion by Ms. Jones to move Petition #2014-25 to the top of the agenda

Supported by Mr. Yaschen

Ayes: All

Nays: None

Motion Granted

4. **ZBA PETITION #2014-25:** Matt Finger who resides at 34323 Joel, Chesterfield, MI 48047. Requesting a side yard setback variance for a proposed addition to an existing garage located at the above address.

Matt Finger, 34323 Joel, Chesterfield, MI 48047 addressed the board.

Petitioner stated that he was requesting a 4' side yard variance for an addition to his existing garage to fit a handicapped accessible van for his daughter.

Mr. Yaschen asked Mr. DeMaster if there were any concerns from the Building Department?

Mr. DeMaster answered no; he did not have any concerns.

Mr. Militello had no questions.

Mr. Leonard stated that he noticed that a lot of things in that neighborhood that do not really meet the ordinances with garages that are put a little closer on the property lines. He thought this was pretty consistent with what the neighborhood.

Chairman Stepnak cautioned Mr. Leonard that each petition is entertained on its own merits and not necessarily about other properties in the neighborhood.

Mr. Leonard agreed and stated that he was just commenting on the makeup of the existing neighborhood and it would not be a negative impact on the area.

Chairman Stepnak stated that he just wanted to make it clear to him and the other board members that just because one person in the neighborhood builds a bigger garage that does not mean or constitute that the zoning in the area is changed and everybody can enlarge their garage.

Mr. Leonard stated as it stands on its own he does not have any problems with it.

Mr. Klonowski stated that he had no problems with it.

Ms. Jones had no questions.

Mr. Anderson stated that he had no concerns.

Chairman Stepnak commented that it looked as though the petitioner would like to put an addition onto the garage. He mentioned that it looked as though this home was built in the 60's with a small garage and basically the petitioner is trying to bring it up to the standards of today.

Petitioner replied yes.

Chairman Stepnak stated that he did understand the petitioner's need with a handicapped child; however, he stated that the ordinance does not dictate to give that any special treatment. He explained that was something they could see personally, but that is not laid out in the ordinance. He stated that the petitioner does have a practical difficulty in the aspect that he is trying to update the home to today's standards by making the garage larger to accommodate an additional vehicle. He does not see a problem with that.

There were no Public Comments.

Motion by Mr. Yaschen to approve Petition # 2014-25. The petitioner has shown a degree of practical difficulty in the fact that it is an older home and the garage needed to be updated according to modern standards. Granting this variance would not convey any special privileges that have been denied to others in this zoning area.

Supported by Ms. Jones

Ayes: All

Nays: None

Motion Granted

5. **ZBA PETITION #2014-23: Russell John Goemaere who resides at 47426 Forton, Chesterfield, MI 48047. Requesting to be over the allowable square footage for a proposed addition to his existing garage located at the above address.**

Chairman Stepnak mentioned that he thought on this one there was a question on the proposed height of the garage. He asked the petitioner if he was aware of this fact?

Kirk Harms, 4805 Starvale, China Township, MI 48054 addressed the board.

Petitioner stated that the final drawings have not been done. He stated that this was only a preliminary drawing for the height at this time he was only looking to increase the size of the building.

Chairman Stepnak stated that after a conversation with Ms. Giese in Planning & Zoning Department, it looks as though there may be a problem with height and they do not know if everything the petitioner is requesting has been published in the paper. He asked Mr. DeMaster if the Building Department has anything and do they have the proper paperwork on this?

Mr. DeMaster replied no they don't. He stated that they do not know the height of the structure?

Petitioner stated that he would submit the proper paperwork with the height, but at this time he just wanted to get a variance for the increase in size.

Mr. DeMaster stated that the height of the structure also had to be submitted to the ZBA because if the petitioner is going higher than 16' which is the maximum, that would also be a variance. He mentioned that it looked as though this would be 20'.

Petitioner stated that the builder wanted to go higher with the garage but he could go lower.

Chairman Stepnak stated that he did not want to approve anything at this level and then the petitioner goes back to the drawing board and discovers that he needs something totally different and then there is a problem. That is why the board should probably Table it until they have all the proper information.

Mr. Leonard stated that he also talked to Janice and he pointed out to her that when looking at the existing garage, it is showing that it is 1.55' off the property line. He explained that it looks like the existing garage may have had a variance in the past; so if the petitioner is adding on to the existing there would also be an issue with the side yard setback and that would need to be part of the petition.

Chairman Stepnak asked Mr. Leonard that from the conversation with Ms. Giese, did they both feel the board does not have all the information to make a decision this evening?

Mr. Leonard stated that he spoke to Janice today and there are some height issues, the side yard setback which he brought up, and the size which is over the ordinance. He wondered if this was too much garage for this skinny long lot. He was not sure and that would be something that needed to be discussed. He stated that they are not dealing with clear paperwork here and that could cause problems. He reiterated that the petitioner would also need a variance for the height and the side yard setback.

Chairman Stepnak stated that if the petition was Tabled the proper paperwork would have to be submitted by October 29th for the November 26th meeting. He explained that with the conversations they have had with the people in Planning, they would really need some additional paperwork in place before they move forward on this. Therefore, he does not feel the board would be able to entertain the petition tonight. He was proposing to Table this to the November 26th meeting and the petitioner would have to get the paperwork into the Planning Department, there may be additional mailing costs because the petition is going to change.

Motion by Chairman Stepnak to Table Petition # 2014-23 to the November 26, 2014 meeting.

Supported by Mr. Anderson

Chairman Stepnak added that the petitioner would have until October 29th to submit the paperwork to the Township's Planning and Building Departments.

Mr. Anderson continued support.

Ayes: All

Nays: None

Motion Granted

6. ZBA PETITION #2014-24: Marjorie Pray who resides at 50880 Seaden, Chesterfield, MI 48047. Request is to allow a 12' x 16' shed in lieu of the 10' x 12' the ordinance allows Chesterfield, MI 48047

Kevin Pray, 50880 Seaden, Chesterfield, MI 48047 addressed the board.

Petitioner stated that he was requesting to build a 12' x 16' shed instead of the 10' x 12' allowed by the ordinance.

Mr. Klonowski had no questions.

Ms. Jones had no questions.

Mr. Militello asked why the petitioner needs a shed larger than 10' x 12'?

Petitioner replied he needs a larger shed because his garage is full and he doesn't have room to park his cars inside. He explained that he has a riding lawnmower, lawn equipment, and other items to maintain his property. He needs a place to store his things and he has a very small two-car garage.

Mr. Anderson asked if the retention pond and the bank were next to his property?

Petitioner replied yes.

Mr. Leonard asked if the petitioner had a basement?

Petitioner replied yes.

Mr. Leonard stated that he did notice that the garage was rather small and is barely a two-car garage. He stated that the petitioner planned to put the shed in the back corner which would be pretty far and probably not noticeable from the street.

Petitioner agreed and stated that the shed would be next to the wall and 200' back.

Mr. Leonard stated if the petitioner had a three-car garage it would be a different conversation. However, this smaller garage does not fit the property and with the location at the back of the lot he does not have a problem with it. He asked the petitioner if he planned to put electricity in the shed?

Petitioner replied not at this time.

Mr. Leonard asked if the petitioner ever planned to put to put in water or gas in the shed?

Petitioner answered no.

Mr. Klonowski asked if the petitioner's garage was 20' x 22'?

Petitioner replied yes.

Mr. Klonowski commented that is only about 450 square feet which is a relatively small garage.

Public Comments:

Scott Behnke, 50815 W. Shamrock, Chesterfield, MI 48047 addressed the board.

Mr. Behnke made comments in favor of the board granting the petitioner's variance.

Mr. Leonard asked if the aesthetics of the shed, the roof and siding would match the petitioner's home?

Petitioner replied yes.

Motion by Ms. Jones to approve Petition # 2014-24 due to the practical difficulty of the small garage and needing additional room for storage

Supported by Mr. Klonowski

Mr. Leonard asked if Ms. Jones would add to the motion that the petitioner would only be allowed to put electricity in she shed, not gas or water.

Ms. Jones agreed to the addition to her motion.

Mr. Klonowski continued support.

Petitioner commented that he was not going to put in electricity at this time and would pull a permit for that at a later date.

Ayes: All

Nays: None

Motion Granted

7. NEW BUSINESS:

There was no new business.

8. OLD BUSINESS:

Mr. Wilhelm Birch Jr., 45995 Crown Court, Chesterfield, MI 48051 addressed the board.

Chairman Stepnak stated that he remembered that the board talked to the petitioner at the last meeting and he was told to bring back plans that were to scale.

Mr. Birch stated that he brought two copies with him. He stated that when they spoke at the last meeting and was under the impression that he was asked to come back in two weeks to this meeting. He stated that he thought they asked him to bring the paperwork with him to the meeting. He stopped in the Building Department the other day and Gary asked him if he had signed in and to let the girls in Zoning know he had the paperwork. He went there and they stated that he already had to have the stuff submitted. He told them he was not asked to do that. He claimed that he was just asked to bring the drawings with him to the next meeting. He mentioned that if they really wanted he could drop off the papers to them and come back in two weeks.

Chairman Stepnak stated that they are under obligation to follow procedures. He explained that if the petitioner drops the paperwork with the girls in the office it is there responsibility to make copies and submit them to the board for review. He mentioned that the plans go to the Planning, Building, and Fire Departments. Therefore, other Departments get those documents when they are submitted. He mentioned that the October 29th date would be the cut off for submission of the paperwork and they would entertain it at the November 26th meeting.

Petitioner commented that would mean getting the fence and gate up next year.

Chairman Stepnak explained that normally we would have another meeting on November 12th, but that meeting has been cancelled. He mentioned that petitions need to be published and posted for a certain period of time. They are under those obligations under the Open Meetings Act to have a meeting with public comments, proper notification, and the whole concept of transparency in government. He stated that there was nothing he could really do. He asked if anyone else on the board had additional comments.

Mr. Anderson mentioned the Motion from the minutes on October 8th; he asked the Chairman if he should read them?

Chairman Stepnak replied yes.

Mr. Anderson read it as follows: "Motion by Chairman Stepnak to Table Petition #2014-22 to the next regularly scheduled meeting which would be October 22, 2014. He stated that he did not believe they would need to send out any additional mailings on the petition and he instructed the petitioner to come back to the board with a to scale drawing. He added that at that time there will be two additional members at the meeting and they should be able to move forward on it." He made an additional comment that was inaudible.

Chairman Stepnak commented that the petition was not on the agenda.

Mr. Yaschen mentioned that legally it has to be on the agenda.

Mr. Anderson stated that he was just reading what was stated in the motion.

Chairman Stepnak stated that he would put it out to the Board and if they chose to take the Petition off the Table and entertain it tonight, then they will do it this evening.

Motion by Mr. Anderson to take Petition # 2014-22 off the Table and entertain it tonight.

Supported by Ms. Jones

Ayes: Anderson, Jones, Stepnak, Leonard, Klonowski and Militello

Nays: Yaschen

Motion Granted

9. **ZBA PETITION #2014-22: Wilhelm Birch, Jr., 45995 Crown Court, Chesterfield, MI 48051. Requesting a variance to allow non-obscuring vinyl coated decorative open fence (to match existing) in the front yard due to a corner located at the above address.**

Wilhelm Birch, Jr., 45995 Crown Court, Chesterfield, MI addressed the board.

Petitioner stated that he had the drawings and was not sure of what size to make them.

Chairman Stepnak stated that the petitioner mentioned that he had two sets of plans and he asked if he could have one of them.

Petitioner brought them both up and the board split up into two groups to look at the plans.

There was a lengthy discussion among the board concerning the plans. Mr. DeMaster went over to explain the 15' clear view triangle to the board members.

Chairman Stepnak asked Mr. Leonard if in his opinion it was a good print and drawn to scale.

Mr. Leonard stated that to scale is one inch equals a foot and they really don't have any way to measure it; but there are only a couple of dimensions on the paperwork. He stated that there could be more on there as far as the 15', the curve and the arc but it still looks like a problem if they are dealing with the issue of sight.

Chairman Stepnak asked Mr. DeMaster in his professional opinion, if he thought the plans were drawn to scale.

Mr. DeMaster stated that he thought the plan was good enough for the board to make a decision on it.

Petitioner stated that he did talk to his contractor and was told that he could put some hinges on the gate so it would only open inwards. He remembered that at the last meeting that there seemed to be a concern with a gate that would open inwards and outwards. He knows that if the gate went outwards it would go closer to the sidewalk but he stated that the contractor could make it a one way hinge.

Mr. Klonowski stated that the difficulty for him is that he just does not see the practical difficulty especially in lieu of the fact that it is a safety issue.

Ms. Jones had no additional comments.

Mr. Militello had no comments.

Mr. Leonard had no comments.

Mr. Anderson had no additional comments.

Chairman Stepnak stated that they did discuss procedures and they did ask the petitioner to come and visit the board tonight even though it was not published. However, the issue would not have had to be published because they were not changing what was originally proposed. He mentioned that the petition for the other gentleman who was there this evening may have to be published because there were additional variances that were needed. He stated that they understood that the petitioner had time concerns so it was taken off the Table and entertained at this time.

Mr. Militello asked Mr. DeMaster if the 15' clear view triangle was only for a corner lot or for any lot?

Mr. DeMaster replied that it would apply to any driveways that abut the sidewalk so, since you could not put a sidewalk in your front yard, basically it would be for a corner lot.

Mr. Leonard asked so without the driveway the fence could be 6' off the sidewalk and go across?

Mr. DeMaster replied yes. He stated the problem is because the driveway abuts the sidewalk and it is definitely a corner lot issue.

Motion by Mr. Anderson to approve Petition #2014-22 at 45995 Crown Court, Chesterfield, MI 48051. Requesting a variance to allow non-obscuring aluminum powder coated decorative open fence to match existing in the front yard at the above address due to corner location as presented at the October 8, 2014 meeting.

Supported by Ms. Jones

Ayes: Anderson, Jones, Militello and Leonard

Nays: Stepnak, Yaschen and Klonowski

Motion Granted

Mr. Leonard stated that a comment was made that the gate would only swing in and that is the only reason he voted to approve the petition. If the gate does not swing in he has a real problem with it.

Petitioner promised that the gates would swing in and not out. Originally, it would swing both ways, but the contractor stated that he could get hinges that would only swing in because he knew that was a concern at the last meeting.

Mr. Leonard comments that they were looking at this plan and that is what they are going by with the gate swinging in and 13' off the sidewalk.

Petitioner stated that side would be 13' off the sidewalk and this side would be 11.6' because of the way the sidewalk curves and where the driveway is on that side.

Chairman Stepnak asked the petitioner to sign off on the plans that they approved that evening and when the Building Department goes out to inspect it this plan is what they would be going by.

10. **APPROVAL OF MINUTES FROM PRIOR MEETING:**

Motion by Mr. Yaschen to approve the minutes from the meeting on October 8, 2014.

Supported Mr. Klonowski

Ayes: All

Nays: None

Motion Granted

10. **COMMENTS FROM THE FLOOR:**

Mr. Leonard stated that he really enjoyed the Planning/Zoning Conference at Mackinac Island. He explained that the sessions were interesting and learned a lot of helpful information. He mentioned that it was also interesting to meet people from other communities to find out what is going on other places in the State. He suggested that if it is offered again next year the ZBA members should try to attend.

Chairman Stepnak thanked Mr. DeMaster for attending the meeting.

11. **ADJOURNMENT:**

Motion by Mr. Yaschen to adjourn at 7:55 PM

Supported by Mr. Klonowski

Ayes: All

Nays: None

Motion Granted

Thomas Yaschen, Secretary

Grace Mastronardi, Recording Secretary